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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,721	03/31/2004	Christopher C. Giclow	CS24385RA	9850
20280	7590	08/09/2007	EXAMINER	
MOTOROLA INC			HASSAN, RASHEDUL	
600 NORTH US HIGHWAY 45			ART UNIT	PAPER NUMBER
ROOM AS437			2179	
LIBERTYVILLE, IL 60048-5343				

MAIL DATE	DELIVERY MODE
08/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/814,721	GIELOW, CHRISTOPHER C.
	Examiner Rashedul Hassan	Art Unit 2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/06/2005
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

Claims 6-10, 12-16, 18-19, and 21-25 are objected to because of the following informalities:

Claims 6-10, 12-16, 18-19, and 21-25 should be corrected to explicitly recite a transitional phrase in order to clarify the manner in which they further limit their respective parent claims. For the purpose of examination, these claims have been interpreted as if the respective parent claims "further comprise" the recited limitations.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 1 recites the limitation "the recipient device" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites "a recipient device" in line 9. It is not clear whether the recited recipient device is the same recipient device recited earlier in line 7 or not.

Claim 15 recites the limitation "the handheld electronics device" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20-25 are rejected under 35 USC §101 for being directed to non-statutory subject matter.

Claims 20-25 are directed to an "image-capture application" which is a functional descriptive material without any expressed combination with an appropriate computer readable medium so as to be structurally and functionally interrelated to the medium and permit the functionality of the descriptive materials to be realized. Therefore, claims 20-25 are rejected for being directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4, 6-7, 10, 11-12, 14, 16-19, 20-21, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Washio (US 2004/0088656 A1).**

For claim 1, Washio teaches a computer implemented method for capturing an image in a graphical user interface computing environment, the method comprising:

positioning an image viewfinder (34D in Fig. 8) about an image displayed in the graphical user interface computing environment (34A in Fig. 8);

capturing the image about which the viewfinder is positioned, the captured image having an aspect ratio corresponding to the aspect ratio of the recipient device (since the image is captured by cutting out an area from an image represented by the selected image data set according to the image area that has been specified [0016], and since the image area that has been specified has the aspect ratio corresponding to the aspect ratio of the recipient device [0088-0089], it follows that the captured image therefore also has an aspect ratio corresponding to the aspect ratio of the recipient device) ;

automatically conforming at least one characteristic of the image captured to an electronic data format of a recipient device using the image-capture application ([0072]).

For claim 2, Washio further teaches automatically conforming the at least one characteristic of the image captured to the electronic data format of the recipient device includes providing the captured image with an aspect ratio that is the same as an aspect ratio of the recipient device (appears to be a limitation already recited in claim 1 and therefore rejected under the same rationale as already discussed in the rejection of claim 1).

For claim 3, Washio further teaches automatically conforming the at least one characteristic of the image captured to the electronic data format of the recipient device includes resizing the image captured ([0072] and [0093]).

For claim 4, Washio further teaches automatically conforming the at least one characteristic of the image captured to the electronic data format of the recipient device includes changing a color depth of the image captured ([0072]).

For claim 6, Washio further teaches sending the captured image, having the aspect ratio of the recipient device, to the recipient device ([0069],[0094]).

For claim 7, Washio further teaches sending the captured image, having the aspect ratio of the recipient device, to the recipient device when synchronizing information of the recipient device with information of the graphical user interface

computing environment (Instant specification does not elaborate as to what constitutes synchronizing. With respect to the reference, accessing the URL described in the e-mail for downloading the image content from the server system 1 to the mobile recipient device is interpreted as an act of "synchronizing" information of the recipient device with information of the graphical user interface computing environment. [0094]).

For claim 10, Washio further teaches invoking the image viewfinder having the aspect ratio corresponding to the aspect ratio of the device to which image information obtained from the graphical interface computing environment will be sent upon starting an image capture application in the graphical user interface computing environment (since the viewfinder 34D of Fig. 8 is invoked upon starting an image capture application that constitutes the components involved in realizing the method of Fig. 3A and 3B in the graphical user interface computing environment of Fig. 1, 4-10).

For claim 11, Washio teaches a computer implemented method for operating an image-capture application in a graphical user interface computing environment, the method comprising:

positioning a viewfinder (34D in Fig. 8) of the image-capture application about an image displayed in the graphical user interface computing environment (34A in Fig. 8), an aspect ratio of the viewfinder corresponding to an aspect ratio of a recipient device of

image information captured in the graphical user interface computing environment ([0088-0089]) ;

capturing the image about which the viewfinder is positioned using the image-capture application, the captured image having an aspect ratio corresponding to the aspect ratio of the recipient device. (since the image is captured by cutting out an area from an image represented by the selected image data set according to the image area that has been specified [0016], and since the image area that has been specified has the aspect ratio corresponding to the aspect ratio of the recipient device [0088-0089], it follows that the captured image therefore also has an aspect ratio corresponding to the aspect ratio of the recipient device).

For claim 12, Washio further teaches sending the captured image, having the aspect ratio of the recipient device, to the recipient device using the image-capture application ([0069],[0094]).

For claim 14, Washio further teaches sending the captured image, having the aspect ratio of the recipient device, to the recipient device when synchronizing information of the recipient device with information of the graphical user interface computing environment. (Appears to be the same limitation as recited in claim 7 and thus rejected under the similar rationale as claim 7).

For claim 16, Washio further teaches conforming at least one characteristic of the image captured to an electronic format of the recipient device using the image-capture application ([0072] and [0093]), and sending the captured image to the recipient device after conforming the image ([0069] and [0094]).

For claim 17, Washio further teaches conforming the image captured includes at least one of resizing the image captured, changing a color depth of the image captured, and changing a format of the image captured ([0072] and [0093]).

For claim 18, Washio further teaches displaying the image viewfinder having the aspect ratio corresponding to the aspect ratio of the recipient device of image information captured in the graphical user interface computing environment upon starting an image capture application in the graphical user interface computing environment (rejected under the same rationale as the rejection of claim 10).

For claim 19, Washio further teaches re-dimensioning the viewfinder while maintaining the aspect ratio of the viewfinder in correspondence with the aspect ratio of the recipient device of image information captured in the graphical user interface computing environment ([0089]).

For claim 20, Washio teaches an image-capture application (constitutes the components involved in realizing the method of Fig. 3A and 3B) for operation in a computing environment that displays image information (e.g., the graphical user interface computing environment of Fig. 1, 4-10), the image-capture application comprising:

an image viewfinder (34D in Fig. 8) having an aspect ratio of a recipient device, the image view finder navigable by a user about a display in the computing environment ([0088-0089]);

an image-capture feature (processing means 13 in Fig. 1) that captures image information within the image viewfinder (34C in Fig. 8);

an image conformance feature (processing means 13 in Fig. 1) for automatically conforming characteristics of the image captured to an electronic format of the recipient device ([0072] and [0093]).

For claim 21, Washio further teaches that the image conformance feature for at least one of resizing the image captured ([0072] and [0093]), changing a color depth of the image captured ([0072]), and changing a format of the image captured.

For claim 24, Washio further teaches an image transfer feature (Mail Server 14 in Fig. 1) for sending the captured image, having the aspect ratio of the recipient device, to the recipient device during synchronization of the recipient device with information of the computing environment. (Since the limitation of the claim is similar to that of claim 7, the instant claim is therefore rejected under the same rationale as the rejection of claim 7).

For claim 25, Washio further teaches a viewfinder-invoking feature (Web Server 12 in Fig. 1) for displaying the image viewfinder having the aspect ratio of a recipient device invoked upon starting the image-capture application. (Since the limitation of the claim is similar to that of claim 10, the instant claim is therefore rejected under the same rationale as the rejection of claim 10).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washio.**

For claim 13, Washio teaches sending the URL for the captured image, having the aspect ratio of the recipient device, to the recipient device in an electronic message invoked by the image-capture application ([0094]), but does not teach sending the captured image itself as part of the electronic message itself. Official notice is taken that sending an image in an electronic message was well known in the art at the time of the invention. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Washio to send the captured image to the recipient device in an electronic message itself instead of sending only the URL of the image. The motivation for such modification would have been to avoid burdening the user the additional step of accessing the URL described in the electronic message for downloading the captured image to the recipient device.

For claim 23, Washio teaches an image transfer feature (mail server 14 in Fig. 1) for sending an electronic message, to the recipient device. But he does not teach that the electronic message includes the captured image. But since this limitation is similar to the limitation of claim 13, the instant claim is therefore also rejected under the same rationale for the rejection of claim 13 discussed above.

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Washio in view of Croney et al. (US 2004/0073873 A1) hereinafter Croney.**

For claim 5, Washio does not explicitly teach automatically conforming the at least one characteristic of the image captured to the electronic data format of the recipient device includes changing a format of the image captured to a format of the recipient device. But Croney teaches such limitation (see [0004-0006], also [0009] and Fig. 7]. Therefore, it would have been obvious to a person of ordinary skill in the art to combine Croney with Washio in order to arrive at the present invention. The motivation for such combination would have been to generate images that are composed of image data that is suitable for display on the client device consistent with the formatting and display capabilities of that device (Croney: [0008]).

**Claims 8-9, 15, 22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washio in view of Emmerson et al. (EP 1262214 A2) hereinafter Emmerson.**

For claim 8, Washio does not teach dividing the image about which the viewfinder is positioned into  $n \times m$  image tiles, selecting one of the  $n \times m$  image tiles for removal. But Emmerson teaches an electronic image puzzle generating and solving system and corresponding method wherein an image captured by an image capturing mean is used to generate an image puzzle wherein the image puzzle consists of a grid

made up of an array of tile image pieces consisting of blocks of pixels, with one empty grid position representing one absent tile ([0017]). Based on his teaching, it would have been obvious for a person of ordinary skill in the art at the time of the invention to combine Washio and Emmerson to arrive at the present invention. The motivation for such combination would have been to design, develop and advantageously continue to provide contents for engaging a user of a mobile device (Emmerson: Abstract and [0014]).

For claim 9, Emmerson further teaches creating a sliding tile puzzle game in which positions of the  $n \times m$  image tiles remaining after removing the image tile selected must be unscrambled ([0016-0017] and [0023]).

For claim 15, Washio teaches sending the captured image, having the aspect ratio of the handheld electronics device, to the recipient device ([0094]). Washio does not teach creating a sliding tile puzzle game from image tiles formed from the captured image and sending such image tiles constituting the sliding tile puzzle game. But Emmerson teaches creating a sliding tile puzzle game from image tiles formed from the captured image and sending such image tiles constituting the sliding tile puzzle game ([0002-0004] and [0015-0021]). The motivation for such combination would have been to advantageously provide content for engaging a user of a mobile device (Emmerson: Abstract and [0014]).

For claim 22, Washio does not teach a game generator for generating a sliding image tile puzzle from image tiles formed from portions of the image captured. But it has already been pointed out above in the rejection of claims 8-9 and 15 that Emmerson teaches such limitation and the motivation for combining Washio with Emmerson in order to arrive at the present invention.

For claim 26, Emmerson teaches a method in a wireless communication device, the method comprising:

displaying on the wireless communications device an image divided into a  $n \times m$  matrix of image tiles, less one image tile ([0017]);

providing an image tile scrambling mechanism to disorder the image ([0002], [0016-0017])

providing a mechanism for moving the image tiles to re-order the scrambled image ([0023]).

Emmerson does not mention that the image is displayed as wallpaper in the wireless communication device. However, Washio teaches using an image to be used as wallpaper of a mobile terminal that can be captured according to the format and display capabilities of the mobile terminal (Abstract). Therefore the combined invention

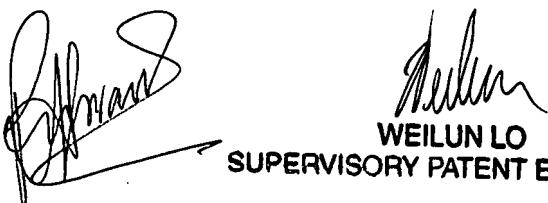
of Emmerson and Washio teaches the instant limitations. The motivation for combining Emmerson and Washio has already been mentioned in the rejection of claim 8 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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